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21.2.2000

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THE 16TH DAY OF APRIL 1998

BEFORE

THE HON'BLE MR. JUSTICE H. RANGAVITTALACHAR

H.R.R.P. NO.1088/1996

Misrilal Sancheti,

S/o late Roop Chand,

Aged 70 years, R/a No.1,

Milkman Street, Langford

Road, Bangalore.

..PETITIONER.

(By Sri. M.L. Dayananda Kumar &

Sri. Janardhana, Adv. for Petr.)

-Vs-

1. Smt. R. Vimala, W/o

Krishnoji Rao, Major,

Represented by P.A. Holder,

R. Krishnoji Rao,

R/a No.3, Milk Man Street,

Langford Road, Bangalore.

2. Manohar, S/o Krishna

Rao, Aged 42 years,

Shop No.42, Langford

Road, Nanjappa Circle,

Bangalore.

..RESPONDENTS.

\* \* \*

HRRP is filed U/s 115 of CPC against the order dated 5.7.1996 passed in HRC. EX NO.10072/1995 on the file of the Small Causes Judge, Mayo Hall, Bangalore.

This HRRP coming on for HEARING this day, the Court made the following:-

ORDER

The petitioner/deGREE holder has questioned the order of the Executing Court, appointing a Commissioner under O.26 Rule 9 of CPC to make local inspection and report as to 'whether the objector Smt. R. Vimala is in physical possession of the property or not'.

This application has been allowed by the Executing Court. Petitioner cannot be said to be aggrieved by the said order nor can be said to have suffered any prejudice calling for interference.

However it is obvious that the Executing Court is bound to execute the decree and 3rd party is only entitled to raise the obstruction if he or she satisfies the requirements under O.21 R.97.

The Executing Court having regard to the long pendency of the eviction order sought to be executed which is of the year '95, shall dispose off the execution petition expeditiously.



sd/-

JUDGE.

\*COPY\*

*hr*

Assistant Registrar  
High Court of Karnataka  
Bangalore.

Ty by: GM

C by: *U.P.S.*

R by: *M. S. S.*

*30/4/98*

